REMARKS

Reconsideration of the merits of the application is respectfully requested in light of the amendment above and the remarks that follow.

Upon entry of the Amendment above, claims 1-4 and 8-13 will remain pending in this application. By this Amendment, claim 1 is amended. No new matter has been added as a result of the amendment to claim 1.

Election/Restrictions

Applicants acknowledge that claims 16-20 have been withdrawn from consideration.

Rejections under 35 U.S.C. §112, first paragraph

Claims 1-4 and 8-13 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to meet the written description requirement. Applicants traverse the rejection to the extent it is maintained.

The Office Action stated that the term "about", with regard to the distance the coil electrode extended, was not in the original specification. The term "about, as used in this context, has been deleted from claim 1.

The Office Action stated that the original specification did not disclose the coil electrode as having an outer diameter not exceeding about 2.0 millimeters, but that the specification did disclose a diameter ranging from about 0.5 millimeters to about 2.0 millimeters. Claim 1 has been amended to recite that the coil electrode has a coil diameter ranging from about 0.5 millimeters to about 2.0 millimeters.

The Office Action stated, "the proximal connector and coil electrode: connected in an annular connection zone; butt-welded; adhered; and having substantially common inner and outer diameters" was not described in the original specification. Applicants assert that, *inter alia*, the originally filed claims of the present application provide support for the subject matter.

In light of the Amendment and comments above, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1-4 and 8-13 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants traverse the rejection to the extent it is maintained.

The Office Action states that it was unclear as to whether the "coil electrode" in claim 1 was intended to be positively included. Claim 1 has been amended to clarify that the coil electrode is positively included in the claim. As such, withdrawal of the rejection is respectfully requested.

Rejections under 35 USC §102

I. Schaer, US Patent No. 6,251,107

Claims 1 and 11-13 have been rejected under 35 USC §102(e) as allegedly being anticipated by Schaer. Applicants traverse the rejection.

The Office Action stated, "Schaer is capable of meeting the functional use recitations presented in the claims." Applicants assert the claims are largely void of functional use recitations, but rather the claims recite some structural elements in a functional manner. For example, claim 1 recites that the lead possesses sufficient flexibility so as to prevent damage or trauma to a sacral nerve when entered through a foramen. There is no mention of such a structural feature in Schaer. In fact, the catheter of Schaer is designed to introduce lesions. *See, e.g.*, abstract. As Schaer does not disclose all the elements of the claims 1 and 11-13, withdrawal of the rejection is respectfully requested.

II. Kroll et al., US Patent No. 5,265,623

Claims 1 and 11-13 have been rejected under 35 USC §102(b) as allegedly being anticipated by Kroll et al. Applicants traverse the rejection.

The Office Action stated, "Kroll is capable of meeting the functional use recitations presented in the claims." Applicants assert the claims are largely void of functional use recitations, but rather the claims recite some structural elements in a functional manner. For example, claim 1 recites that the lead possesses sufficient flexibility so as to prevent damage or trauma to a sacral nerve when entered through a foramen. There is no mention of such a

structural feature in Kroll et al. Kroll et al. discuss a transvascular catheter for cardiac defibrillation. *See, e.g.*, column 1, lines 6-10.

Further Kroll fails to disclose a flexible coiled wire extending between first and second coil ends, the distance between the first and second coil ends ranging between 0.10 inches and 1.50 inches, as required by claims 1 and 11-13. Kroll discloses,"typical lengths of coil electrodes are 4 to 12 cm." Column 3, line 2. The range disclosed by Kroll, *i.e.* roughly 1.57 to 4.72 inches is outside the range of the present claims.

As Kroll et al. do not disclose all the elements of the claims 1 and 11-13, withdrawal of the rejection is respectfully requested.

III. Speicher et al., US Patent No. 4,603,705

Claims 1 and 11-13 have been rejected under 35 USC §102(b) as allegedly being anticipated by Speicher et al. Applicants traverse the rejection.

The Office Action stated, "Speicher is capable of meeting the functional use recitations presented in the claims." Applicants assert the claims are largely void of functional use recitations, but rather the claims recite some structural elements in a functional manner. For example, claim 1 recites that the lead possesses sufficient flexibility so as to prevent damage or trauma to a sacral nerve when entered through a foramen. There is no mention of such a structural feature in Speicher et al. Speicher et al. discuss an intravascular catheter.

Furhter, Speicher et al. do not disclose a coil having diameter in the range from about 0.5 millimeters to about 2.0 millimeters, as required by claims 1 and 11-13 of the present application. Speicher et al. disclose a spring 23 having "a diameter in the range of about 3.0 to 4.0 mm." Column 5, lines 41-42. Applicants assert that "about 2.0 mm" and "about 3.0" do not overlap.

As Speicher et al. do not disclose all the elements of the claims 1 and 11-13, withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments, it is believed that the application is now in condition for allowance and notice of same is respectfully requested.

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Respectfully submitted,

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